

### Board's Ruling on Appeal<sup>1</sup>

Appellant(s): Eric Cote

VZ.

## Procedural History

This matter came before the State Building Code Appeals Board (“Board”) on the Appellant’s appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, Appellant requested that the Board grant him a variance from 780 CMR 403.2 and 906.2 of the Massachusetts State Building Code (MSBC) for 285 to 303 Third St. Cambridge, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on July 3, 2008 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant appeared for the hearing *pro se*. Lieutenant Chris Towski from the Cambridge Fire Department was in attendance as well.

## Discussion

A motion was made to grant the Appellant's request for a variance from 780 CMR 403.2 and 906.2 of the MSBC to omit sprinklers in the NSTAR transformer vault but only if either: 1) the building meets the all the requirement of the 7<sup>th</sup> edition for the omission of sprinklers in a building with the exception of direct access to the outside being from the 2<sup>nd</sup> level or 2) acquire an engineered design that meets the approval of both the Cambridge Building and Fire Departments. The board vote on this motion was unanimous.

## Conclusion

**The Appellant's request for a variance from 780 CMR 403.2 and 906.2 is hereby granted as outlined in the discussion above and so ordered<sup>2</sup> on this date: July3, 2008.**

Douglas Semple

## Douglas Semple

Gary R. Morrell

**Gary Moccia**

Stacy Smith

Alexander MacLeod

<sup>1</sup> This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

<sup>2</sup>In accordance with M.G.L. c. 30A, § 14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.